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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/707,671
Filing Date: December 31, 2003
Appellant(s): PRASAD ET AL.

Martin J. Sultana
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/28/2008 appealing from the Office action mailed 11/29/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,240,347	EVERHART ET AL	5-2001
6,839,670	STAMMLER ET AL	1-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 36-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everhart et al, US Patent 6,240,347 B1, in view of Stammler et al, US Patent 6,839,670 B1. (The Stammler reference is cited in IDS filed 12/29/2005)

Re Claim 36, Everhart et al discloses a vehicle control system comprising: one or more vehicle components for adjusting secondary vehicle functions (*fig. 3*); a module for grouping parameters together for each secondary vehicle function to form a vehicle control mode (*fig. 3: 23-25*), the vehicle control mode being selectable by a vehicle

occupant such that the vehicle occupant is capable of specifying parameters for a selected vehicle control mode (*col. 2, line 65 through col. 3, line 10*), a dialog-based speech recognition component adapted to respond to voice commands from the vehicle occupant (*fig. 3: 20*), the speech recognition component is further adapted to enter into the communications mode and to communicate with the one or more vehicle components associated with each vehicle control mode (*col. 2, line 65 through col. 3, line 10*), wherein the speech recognition component comprises: a first translating component adapted to translate a voice command from a vehicle occupant into a form which communicates a control signal to the one or more vehicle components and specifies which vehicle control mode to enter into (*col. 2, line 65 through col. 3, line 10*); and a human machine interface adapted to communicate with the one or more vehicle components (*fig. 3: 16*), the human machine interface is capable of communicating in combination with (*abstract; fig. 6: 39*) and separate from the speech recognition component (*abstract; fig. 4; col. 4, lines 35-51*); but fails to disclose a prompting component adapted to prompt the vehicle occupant in audio to input information for entering into the communications mode if additional information is needed than the information contained in the voice command, to input information for specifying a particular vehicle parameter for the communications mode if additional information is needed than the information contained in the voice command (*Stammler et al, figs. 9 & 10; col. 19, lines 62-67*) and to input information to disambiguate between a plurality of matching data by prompting the vehicle occupant to select a particular set of data from the matching data while in the communications mode (*Stammler et al, claims 1, 8 & 11:*

Claim 11 of Stammler discloses using the beginning of a street name for input where, the system in turns provides the user with a selection which matches the beginning of the street name in which the user could select from which depends ultimately on claim 1 which discloses a speech dialogue system for communication of a vehicle occupant with a vehicle. Furthermore, claim 2 of the Stammler et al reference discloses that the speech recognition is preferably done acoustically in hands off operation); a second translating component adapted to translate the information received from the vehicle occupant in response to the prompting component prompting the vehicle occupant to input information so that the received information is translated into a form which communicates a control signal to the one or more secondary vehicle components (*Stammler et al, figs. 9 & 10*); wherein the vehicle control mode comprises a communication mode in which the vehicle occupant specifies parameters related to a telephone located in a vehicle passenger compartment (*Stammler et al, figs. 8 & 9; col. 12, lines 28-40*). However, Stammler et al does.

Taking the combined teachings of Everhart et al and Stammler et al as a whole, one skilled in the art would have found it obvious to modify the vehicle control system comprising: one or more vehicle components for adjusting secondary vehicle functions (*fig. 3*); a module for grouping parameters together for each secondary vehicle function to form a vehicle control mode (*fig. 3: 23-25*), the vehicle control mode being selectable by a vehicle occupant such that the vehicle occupant is capable of specifying parameters for a selected vehicle control mode (*col. 2, line 65 through col. 3, line 10*), a dialog-based speech recognition component adapted to respond to voice commands

from the vehicle occupant (*fig. 3: 20*), the speech recognition component is further adapted to enter into the communications mode and to communicate with the one or more vehicle components associated with each vehicle control mode (*col. 2, line 65 through col. 3, line 10*), wherein the speech recognition component comprises: a first translating component adapted to translate a voice command from a vehicle occupant into a form which communicates a control signal to the one or more vehicle components and specifies which vehicle control mode to enter into (*col. 2, line 65 through col. 3, line 10*); and a human machine interface adapted to communicate with the one or more vehicle components (*fig. 3: 16*), the human machine interface is capable of communicating in combination with (*abstract; fig. 6: 39*) and separate from the speech recognition component (*abstract; fig. 4; col. 4, lines 35-51*) of Everhart et al with a prompting component adapted to prompt the vehicle occupant in audio to input information for entering into the communications mode if additional information is needed than the information contained in the voice command, to input information for specifying a particular vehicle parameter for the communications mode if additional information is needed than the information contained in the voice command (*Stammler et al, figs. 9 & 10; col. 19, lines 62-67*) and to input information to disambiguate between a plurality of matching data by prompting the vehicle occupant to select a particular set of data from the matching data while in the communications mode (*Stammler et al, claims 1, 8 & 11: Claim 11 of Stammler discloses using the beginning of a street name for input where, the system in turns provides the user with a selection which matches the beginning of the street name in which the user could select from which depends*

ultimately on claim 1 which discloses a speech dialogue system for communication of a vehicle occupant with a vehicle. Furthermore, claim 2 of the Stammler et al reference discloses that the speech recognition is preferably done acoustically in hands off operation); a second translating component adapted to translate the information received from the vehicle occupant in response to the prompting component prompting the vehicle occupant to input information so that the received information is translated into a form which communicates a control signal to the one or more secondary vehicle components (*Stammler et al, figs. 9 & 10*); wherein the vehicle control mode comprises a communication mode in which the vehicle occupant specifies parameters related to a telephone located in a vehicle passenger compartment (*Stammler et al, figs. 8 & 9; col. 12, lines 28-40*) as taught in Stammler et al to forge a dialog between the user and the system so the system can be more user friendly.

Re Claim 37, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the selected vehicle control mode is selectable by the vehicle occupant interacting with the human machine interface (*Everhart et al, figs. 4 & 6; col. 4, lines 35-51*).

Re Claim 38, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the vehicle control mode further comprises at least one of: an entertainment mode in which the vehicle occupant specifies parameters that control a vehicle entertainment system (*Everhart et al, fig. 3: 16*); a navigation mode in which the vehicle occupant specifies parameters related to vehicle position (*Everhart et al, fig. 3: 23*); a climate control mode in which the vehicle

occupant specifies parameters that adjust the climate in the vehicle passenger compartment (*Everhart et al, fig. 3: 24*); and a vehicle systems mode in which the vehicle occupant specifies parameters related to the vehicle control system or any other predetermined vehicle parameter (*Everhart et al, fig. 3: 25*).

Re Claim 39, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 38 wherein the first translating component is adapted to translate the voice command from a vehicle occupant into a form which communicates a control signal to the one or more vehicle components and to specify which of at least one of the climate control mode (*Everhart et al, fig. 3: 20 & 24*), the entertainment mode (*Everhart et al, fig. 3: 20 & 16*), the navigation mode (*Everhart et al, fig. 3: 20 & 23*), the communications mode and the vehicle systems mode to enter into (*Everhart et al, fig. 3: 20 & 25*).

Re Claim 40, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 39 wherein the prompting component is adapted to prompt the vehicle occupant in audio to input information (*Stammler et al, figs. 9 & 10*) to enter into the at least one of the climate control mode (*Everhart et al, fig. 3: 20 & 24*), the entertainment mode (*Everhart et al, fig. 3: 20 & 16*), the navigation mode (*Everhart et al, fig. 3: 20 & 23*), the communications mode and the vehicle systems mode if additional information is needed than the information contained in the voice command (*Everhart et al, fig. 3: 20 & 25*) and to input information specifying a particular vehicle mode parameter (*Stammler et al, figs. 9 & 10*) for the at least one of the climate control mode (*Everhart et al, fig. 3: 20 & 24*), the entertainment mode

(*Everhart et al, fig. 3: 20 & 16*), the navigation mode (*Everhart et al, fig. 3: 20 & 23*), and the vehicle system mode if additional information is needed than the information contained in the voice command (*Everhart et al, fig. 3: 20 & 25*).

Re Claim 41, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the speech recognition component comprises a central processing unit adapted to execute a sequence of computer commands that translates the voice command into a signal that is communicatable to the one or more system components (*Everhart et al, col. 3, lines 11-20*).

Re Claim 42, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the human machine interface comprises a touch panel display (*Everhart et al, figs. 7-11; col. 5, lines 61-65*).

Re Claim 43, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein: the vehicle control system further comprises an interfacing electronics system for providing a primary control analog or digital signal to the one or more vehicle components (*Everhart et al, col. 3, lines 14-17*); and the speech recognition component comprises a translating component for translating the voice command into a secondary control digital or analog signal which is provided to the interfacing electronics system (*Everhart et al, col. 3, lines 14-17*).

Re Claim 44, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein: the vehicle control system

further comprises an interfacing electronics system for providing a primary control analog or digital signal to the one or more vehicle components (*Everhart et al, col. 3, lines 14-17*); and the human machine interface comprises a translating component for translating the voice command into a secondary control digital or analog signal which is provided to the interfacing electronics system (*Everhart et al, col. 3, lines 23-27; col. 3, lines 14-17*).

Re Claim 45, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the system is adapted to provide feedback to the vehicle occupant that the vehicle occupant entered into the communications mode by performing at least one of lighting an indicator, and generating text on a screen (*Everhart et al, col. 3, lines 27-42*).

Claim 46 has been analyzed and rejected according to claim 45.

Re Claim 47, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 40 wherein the prompting component is further adapted to prompt the vehicle occupant in audio to select a particular address from a number of matching addresses while in the navigation mode (*Everhart et al, col. 4, lines 1-9*).

Re Claim 48, the combined teachings of Everhart et al and Stammler et al disclose the vehicle control system of claim 36 wherein the prompting component is further adapted to prompt the vehicle occupant in audio to select a particular phone number from a number of matching phone numbers while in the communication mode

(*Stammler et al, figs. 9 & 10; col. 19, lines 62-67: could be utilized within the phone system of Stammler et al*).

Claim 49 has been analyzed and rejected according to claim 36.

Claim 50 has been analyzed and rejected according to claim 38.

Claim 51 has been analyzed and rejected according to claim 39.

Claim 52 has been analyzed and rejected according to claim 40.

Claim 53 has been analyzed and rejected according to claim 41.

Claim 54 has been analyzed and rejected according to claim 43.

Claim 55 has been analyzed and rejected according to claim 45.

Claim 56 has been analyzed and rejected according to claim 45.

Claim 57 has been analyzed and rejected according to claim 47.

Claim 58 has been analyzed and rejected according to claim 48.

Claim 59 has been analyzed and rejected according to claim 36.

Claim 60 has been analyzed and rejected according to claim 37.

Claim 61 has been analyzed and rejected according to claim 38.

Claim 62 has been analyzed and rejected according to claim 39.

Claim 63 has been analyzed and rejected according to claim 40.

Claim 64 has been analyzed and rejected according to claim 41.

Claim 65 has been analyzed and rejected according to claim 42.

Claim 66 has been analyzed and rejected according to claim 43.

Claim 67 has been analyzed and rejected according to claim 45.

Claim 68 has been analyzed and rejected according to claim 45.

Claim 69 has been analyzed and rejected according to claim 47.

Claim 70 has been analyzed and rejected according to claim 48.

(10) Response to Argument

In regards to appellant's argument that Stammler et al does not disclose "input information to disambiguate between a plurality of matching data by prompting the vehicle occupant to select a particular set of data from the matching data while in the communications mode" as recited in claims 36, 49 & 59, the examiner disagrees. Stammler et al uses the beginning of a street name for input where, the system in turns provides the user with a selection which matches the beginning of the street name in which the user could select from (*Stammler et al, col. 19, lines 62-67*). The Stammler et al reference as a whole teaches an audio dialog device where the device of Stammler et al can prompt a user via audio and the device allows audio input and output to facilitate audio dialog. Claim 11 of Stammler discloses using the beginning of a street name for input where, the system in turns provides the user with a selection which matches the beginning of the street name in which the user could select from which depends

ultimately on claim 1 which discloses a speech dialog system for communication of a vehicle occupant with a vehicle. Furthermore, claim 2 of the Stammler et al reference discloses that the speech recognition is preferably done acoustically in hands off operation.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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